## REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed February 16, 2006. Upon entry of the amendments in this response, claims 1 – 5, 16 – 18, 21 – 23, 25 – 27, 32, 34 – 35, and 38 – 59 remain pending. In particular, Applicant amends claims 1, 2, 17, 52, and 59. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

## I. Response to Office Action Statements

The Office Action asserts that "[b]ased on the disclosure, an 'unlimited number' of entries (arguably limited only by the available titles starting with that particular letter) could clearly exist underneath a given indexing term (ex. "A"). It is the examiner's understanding that the claim is directed towards consolidation of index terms so as to try to consolidate entries so as to attempt to ensure that at least a minimum number of entries exist under a given index" (OA p. 4, beginning 6th line from bottom). Applicant respectfully disagrees with this analysis. Applicant submits that the present application is not so limited. Further, Applicant respectfully submits that the Office Action's classification that the claims are directed "towards consolidation of index terms" is overly narrow when read in light of the specification. Applicant requests entry of the claim amendments and reconsideration of the pending claims.

In addition, the Office Action addresses various Official Notice and well known arguments made in a previous response. Applicants respectfully disagree with the Office Action's indication that these arguments are unpersuasive and continue to traverse these rejections for at least the specific and particular reasons previously indicated.

## II. Rejections Under 35 U.S.C. §103

In order for a claim to be properly rejected under 35 U.S.C. §103, the teachings of the cited art reference must suggest all features of the claimed invention to one of ordinary skill in the art. *See, e.g., In re Dow Chemical*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988); *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). Further, "[t]he PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references." *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### A. Claim 1 is Patentable Over *LaJoie* in view of *Eick*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1, as amended, recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
>
> receiving media information corresponding to a plurality of accessible media;
>
> configuring a display order of media titles in the received media information according to the value of a media information parameter;
>
> configuring each index in a plurality of user-selectable indices according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles;

> configuring the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index;
>
> presenting, to the user, the selectable indices in an interactive media guide display, ***each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles***; and
>
> responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index. ***(emphasis added)***

Applicant respectfully submits that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of... presenting, to the user, the selectable indices in an interactive media guide display, ***each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles***" as recited in claim 1, as amended. More specifically, as indicated in the Office Action "[*LaJoie*], however, is silent with respect to 'configuring each index... according to a respective range of values" (OA p. 8, second paragraph). Additionally, Applicant refers to *Eick*, FIG. 21, which indicates that "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (col. 10, line 7). Applicant respectfully submits that this is vastly different than "***each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles***" for at least the reason that *Eick* appears to disclose that, arguendo, the index for titles beginning with "N" also includes an index

for titles beginning with "NO." If each index in *Eick* (*e.g.*, "N," "NO," *etc.*) is "based upon a threshold of no more than 5 entries" (OA p. 9, Line 7), as asserted by the Office Action, then the index "N" can include more titles than the threshold. For at least this reason, Applicant respectfully submits that claim 1, as amended, is allowable over the cited art.

### B. Claim 2 is Patentable Over *LaJoie* in view of *Eick*

The Office Action indicates that claim 2 stands rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 5,850,218 ("*LaJoie*") in view of U.S. Patent Number 5,812,124 ("*Eick*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claim 2. More specifically, claim 2, as amended, recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
>
> receiving media information corresponding to a plurality of accessible media;
>
> configuring an interactive media guide with a display order of the media titles in the received media information according to the value of a media information parameter and according to a portion of the received media information corresponding to a user-selected category;
>
> determining a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, each range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values;
>
> configuring the interactive media guide with the plurality of user-selectable indices for indexing the media titles in the display order;
>
> ***presenting to a user an interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one user-selectable indices***;
>
> receiving a first user input identifying a first indexing prompt corresponding to a first user-selectable index; and

> responsive to the first user input, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index and the user-selected category. ***(emphasis added)***

Applicant respectfully submits that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of... ***presenting to a user an interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one user-selectable indices***" as recited in claim 2, as amended. More specifically, as indicated in the Office Action "[*LaJoie*], however, is silent with respect to 'configuring each index... according to a respective range of values" (OA p. 8, second paragraph). Additionally, Applicant refers to *Eick*, FIG. 21, which indicates that "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (col. 10, line 7). Applicant respectfully submits that this is vastly different than "***presenting to a user an interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one user-selectable indices***" for at least the reason that *Eick* appears to disclose that, arguendo, the index for titles beginning with "N" also includes an index for titles beginning with "NO." If each index in *Eick* (*e.g.*, "N," "NO," *etc.*) is "based upon a threshold of no more than 5 entries" (OA p. 9, Line 7), as asserted by the Office Action, then the index "N" can include more titles than the threshold. For at least this reason, Applicant respectfully submits that claim 2, as amended, is allowable over the cited art.

## C. Claim 17 is Patentable Over *LaJoie* in view of *Eick* and further in view of *Young*

The Office Action indicates that claim 17 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick* and further in view of U.S. Patent Number 5,808,218 ("*Young*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest all of the elements of claim 17. More specifically, claim 17, as amended, recites:

> An interactive media services client device for providing media information to a user comprising:
>
> memory for storing media information received from a server, said media information corresponding to a plurality of respective accessible media; and
>
> a processor configured to:
>
> cause a display order of the media titles in the received media information according to the value of the release year of the media title;
>
> enable a plurality of user-selectable indices for indexing displayed media titles, each user-selectable index corresponding to a range of time and according to a threshold defining a predetermined number of media titles;
>
> determine the media titles in the received media information corresponding to each user-selectable index and a user-selected category;
>
> ***present, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles;***
>
> responsive to a user input, provide simultaneously in the display order at least a portion of the media titles in the received media information corresponding to a first user-selectable index and the user-selected category. ***(emphasis added)***

Applicant respectfully submits that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "***interactive media services client device for providing media information to a user comprising***... a processor configured to... ***present, to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide***

***the media titles according to the threshold defining a predetermined number of media titles***" as recited in claim 17, as amended. More specifically, as indicated in the Office Action "[*LaJoie*], however, is silent with respect to 'configuring each index... according to a respective range of values" (OA p. 8, second paragraph). Additionally, Applicant refers to *Eick*, FIG. 21, which indicates that "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (col. 10, line 7). Applicant respectfully submits that this is vastly different than "***present[ing], to the user, the selectable indices in an interactive media guide display, each of the user selectable indices being configured to provide the media titles according to the threshold defining a predetermined number of media titles***" for at least the reason that *Eick* appears to disclose that, arguendo, the index for titles beginning with "N" also includes an index for titles beginning with "NO." If each index in *Eick* (*e.g.*, "N," "NO," *etc.*) is "based upon a threshold of no more than 5 entries" (OA p. 9, Line 7), as asserted by the Office Action, then the index "N" can include more titles than the threshold. For at least this reason, Applicant respectfully submits that claim 17, as amended, is allowable over the cited art.

### D. Claim 52 is Patentable Over *LaJoie* in view of *Eick* and further in view of *Young*

The Office Action indicates that claim 52 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick* and further in view of U.S. Patent Number 5,808,218 ("*Young*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest all of the elements of claim 52. More specifically, claim 52, as amended, recites:

> An interactive media services client device for providing media to a user comprising:
>
> memory for storing media information received from a server, said media information corresponding to a plurality of respective accessible media; and
>
> a processor configured to:
>
> cause a display order of media titles in the received media information according to the value of a media information parameter and according to a portion of the received media information;
>
> determine a range of values of the media information parameter corresponding to each index in a plurality of user-selectable indices, the range of values being determined according to the number of media titles in the portion of the received media information corresponding to the respective range of values;
>
> enable an interactive media guide with the plurality of user-selectable indices for indexing the media titles in the display order;
>
> ***present to a user the interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one of the respective user-selectable indices***;
>
> receive a first user input identifying a first indexing prompt corresponding to a first user-selectable index; and
>
> responsive to the first user input, provide simultaneously in the first display order at least a portion of the media titles corresponding to the first user-selectable index and a user-selected category. ***(emphasis added)***

Applicant respectfully submits that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "interactive media services client device for providing media to a user comprising… a processor configured to… ***present to a user the interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one of the respective user-selectable indices***" as recited in claim 52, as amended. More specifically, as indicated in the Office Action "[*LaJoie*], however, is silent with respect to 'configuring each index… according to a respective range of values" (OA p. 8, second paragraph). Additionally, Applicant refers to *Eick*, FIG. 21, which indicates that "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (col. 10, line 7). Applicant respectfully

submits that this is vastly different than "***present[ing] to a user the interactive media guide having a plurality of indexing prompts, each of the indexing prompts corresponding to one and only one of the respective user-selectable indices***" for at least the reason that *Eick* appears to disclose that, arguendo, the index for titles beginning with "N" also includes an index for titles beginning with "NO." If each index in *Eick* (*e.g.*, "N," "NO," *etc.*) is "based upon a threshold of no more than 5 entries" (OA p. 9, Line 7), as asserted by the Office Action, then the index "N" can include more titles than the threshold. For at least this reason, Applicant respectfully submits that claim 52, as amended, is allowable over the cited art.

### E. Claim 59 is Patentable Over *LaJoie* in view of *Eick* and further in view of *Young*

The Office Action indicates that claim 59 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick* and further in view of U.S. Patent Number 5,808,218 ("*Young*"). Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest all of the elements of claim 59. More specifically, claim 59, as amended, recites:

> A method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of:
>
> receiving media information corresponding to a plurality of accessible media;
>
> configuring a display order of media titles in the received media information according to the value of a media information parameter;
>
> ***configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles***;
>
> configuring the plurality of user-selectable indices for indexing the media titles in the display order, each user-selectable index corresponding

to the media titles in the received media information determined by the respective range of values of the media information parameter corresponding to the user-selectable index;

responsive to a user selecting a first user-selectable index, providing simultaneously in the display order at least a portion of the media titles corresponding to the first user-selectable index. ***(emphasis added)***

Applicant respectfully submits that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest a "method for providing media information to a user via an interactive media services client device coupled to a programmable media services server device, said method comprising steps of... ***configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles***" as recited in claim 59. More specifically, as indicated in the Office Action "[*LaJoie*], however, is silent with respect to 'configuring each index... according to a respective range of values" (OA p. 8, second paragraph). Additionally, Applicant refers to *Eick*, FIG. 21, which indicates that "multiple instances of the two letter string as denoted by the double right point arrows by NO. To continue the search for Nova, the active area is moved to the line containing NO of display 2000" (col. 10, line 7). Applicant respectfully submits that this is vastly different than "***configuring each index in a plurality of user-selectable indices according to the display order and according to a respective range of values of the media information parameter, each respective range of values being determined according to a threshold defining a predetermined number of media titles***" for at least the reason that *Eick* appears to disclose that, arguendo, the index for titles beginning with "N" also includes an index for titles beginning with "NO." If each index in *Eick* (*e.g.*, "N,"

"NO," *etc.*) is "based upon a threshold of no more than 5 entries" (OA p. 9, Line 7), as asserted by the Office Action, then the index "N" can include more titles than the threshold. For at least this reason, Applicant respectfully submits that claim 59, as amended, is allowable over the cited art.

### F. Claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 are Patentable Over *LaJoie* in view of *Eick*

The Office Action indicates that claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick*. Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* fails to disclose, teach, or suggest all of the elements of claims 3 – 5, 32, 34 – 35, 38 – 45, 53 – 55, and 57 – 58. More specifically, dependent claims 3 – 5, 42, and 44 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 1. Dependent claims 39 – 41, 43, and 45 are believed to be allowable for at least the reason that they depend from allowable independent claim 2. Dependent claims 32, 34 – 35, 38, 53 – 55, and 57 – 58 are believed to be allowable for at least the reason that they depend from allowable independent claim 52. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### G. Claims 16 and 48 are Patentable Over *LaJoie* in view of *Eick* and further in view of *Knudson*

The Office Action indicates that claims 16 and 48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick* and further in view of U.S. Publication Number 2005/02024387 ("*Knudson*"). Applicant respectfully traverses this rejection for at least

the reason that *LaJoie* in view of *Eick* and further in view of *Knudson* fails to disclose, teach, or suggest all of the elements of claims 16 and 48. More specifically, dependent claim 16 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 1. Dependent claim 48 is believed to be allowable for at least the reason that it depends from allowable independent claim 2. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### H. Claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 are Patentable Over *LaJoie* in view of *Eick* and further in view of *Young*

The Office Action indicates that claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *LaJoie* in view of *Eick* and further in view of *Young*. Applicant respectfully traverses this rejection for at least the reason that *LaJoie* in view of *Eick* and further in view of *Young* fails to disclose, teach, or suggest all of the elements of claims 18, 21 – 23, 25 – 27, 46 – 47, 49 – 51, and 56. More specifically, dependent claims 18, 21 – 23, 25 – 27, and 49 – 51 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 17. Dependent claim 46 is believed to be allowable for at least the reason that it depends from allowable independent claim 1. Dependent claim 47 is believed to be allowable for at least the reason that it depends from allowable independent claim 2. Dependent claim 56 is believed to be allowable for at least the reason that it depends from allowable independent claim 52. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

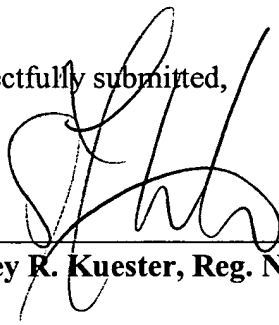
## CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Further, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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